

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-CR-189-RJC-DCK**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
SILAS JUNIOR MOBLEY,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the *pro se* “Motion Pursuant To Rule 41¶(g) For Return Of Property” (Document No. 163) filed in this Court on March 22, 2012, by Defendant.

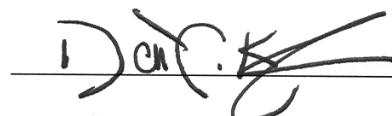
The record reflects that the Defendant was convicted at trial, has been sentenced, and his case is now on appeal to the Fourth Circuit. The docket further shows that Mr. Mobley is represented by appointed counsel, Randolph Marshall Lee, in his appeal to the Fourth Circuit. It is the practice of this Court, when a defendant is represented by counsel, to rule on motions filed only by counsel of record. Therefore, if Mr. Mobley has any matters he wishes this Court to consider, they must be submitted through his attorney.

The Court also notes that the United States currency the Defendant seeks the return of is the object of a “Final Order And Judgment Confirming Forfeiture” (Document No. 148) entered by this Court. Chief Judge Conrad entered this order following the Defendant’s conviction by a jury in this case. Respectfully, Mr. Mobley’s motion does not appear to set forth any factual or legal basis for relief under Rule 41.

IT IS, THEREFORE, ORDERED that Mr. Mobley's "Motion Pursuant To Rule 41¶(g) For Return Of Property" (Document No. 163) is **DENIED** without prejudice to his right to re-file the motion, if appropriate, through his attorney, Mr. Lee.

The Clerk is directed to ensure that a copy of this Order is delivered to the Defendant's appointed counsel, Mr. Lee.

Signed: April 10, 2012



David C. Keesler
United States Magistrate Judge
